

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10394 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

KHER MADHUKANTA FATESINH

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 10394 of 2003
MR JIGAR P RAVAL for Petitioner No. 1
Mr.N.J.Shah with MR DN PATEL for Respondent
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CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 31/07/2003

ORAL JUDGEMENT

Rule. Mr.N.J.Shah for Mr.D.N.Patel for
respondents waives service of rule. With the consent of

parties matter is taken up for final hearing today.

2. The contention raised by the petitioner is that the passport bearing No.A7112632 was already issued. However, the birth-date initially in the passport was recorded as 9-12-1946 whereas the correct birth-date is 9.12.1947 and also the place of birth was shown as Tarsada instead of Tarsadabar. The petitioner submits that she wants to submit application for new passport with correct birth-date and place of birth, however, the authorities have declined to consider the same in the absence of any order passed by this court.

3. On behalf of Passport authorities it has been submitted that earlier on the basis of School Leaving Certificate passport has been issued. If this court directs the passport authorities, they will consider the matter.

4. Mr.Raval for the petitioner submits that in similar matters this court has passed orders giving directions to the passport authorities to reconsider the matter and to pass appropriate orders and thereafter to incorporate necessary correction in the new passport.

5. In view of the above, the respondent is directed to consider the case of the petitioner for change in birth-date from 9.12.1946 to 9.1.1947 and place of birth as Tarsadabar in place of Tarsada at the time when the application for new passport is considered for the purpose of issuing the passport. So far as the spelling mistake in the name of the petitioner is concerned, the passport authorities shall consider the same on undergoing necessary formalities by the petitioner. However, the petitioner shall pay costs of Rs.2,500/-to the respondent authorities since the passport authorities can not be saddled with the costs of litigation.

6. It is clarified that this Court has not gone into the legality and validity and genuineness of the above correction(s). Any order passed by the Passport Authority shall not give any additional right to the petitioner, in any other field, on account of the change, including that of service or any other field. Petition is allowed accordingly. Rule is made absolute.

Direct service is permitted.

